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MINISTRY OF LAW

New Delhi, the 25th February, 1952

The following Acts of Parliament received the assent of the President on the 23rd February, 1952 and are hereby published for general information:—

THE MADRAS PORT TRUST (AMENDMENT) ACT, 1952
No. IV of 1952

[23rd February, 1952]

An Act further to amend the Madras Port Trust Act, 1905.

Be it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Madras Port Trust (Amendment) Act, 1952.

2. Amendment of section 7, Madras Act II of 1905.—In section 7 of the Madras Port Trust Act, 1905 (hereinafter referred to as the principal Act), for the words "twenty-one trustees", the words "twenty trustees" shall be substituted.

3. Amendment of section 8, Madras Act II of 1905.—For clause (c) and clause (d) of sub-section (1) of section 8 of the principal Act, the following clause shall be substituted, namely:—

"(c) the General Manager, Southern Railway, *ex-officio*;"

THE DELHI UNIVERSITY (AMENDMENT) ACT, 1952
No. V of 1952

[23rd February, 1952]

An Act further to amend the Delhi University Act, 1922.

Be it enacted by Parliament as follows:—

1. Short title and commencement.—(1) This Act may be called the Delhi University (Amendment) Act, 1952.

(2) This section and sections 26 and 27 shall come into force at once and the remaining provisions shall come into force on such

date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions.

2. Amendment of long title and preamble, Act VIII of 1922.—In the long title of, and the preamble to, the Delhi University Act, 1922 (hereinafter referred to as the principal Act), for the words “unitary teaching and residential University”, the words “teaching and affiliating University” shall be substituted.

3. Amendment of section 2, Act VIII of 1922.—In section 2 of the principal Act,—

(i) for clauses (a) and (b), the following clauses shall be substituted, namely:—

“(a) ‘College’ means an institution maintained or admitted to its privileges by the University, and includes an Affiliated College and a Constituent College;

Explanation I.—‘Affiliated College’ means an institution recognised by the University in accordance with the provisions of this Act and the Statutes in which instruction is provided in accordance with the provisions of the Statutes and Ordinances up to the Bachelor’s degree but exclusive of Honours and post-graduate degrees;

Explanation II.—‘Constituent College’ means an institution recognised as such by the Executive Council in accordance with the provisions of this Act and the Statutes;

(b) ‘Hall’ means a unit of residence for students of the University provided, maintained or recognised by it;”;

(ii) clause (e) shall be omitted;

(iii) for clause (h), the following clause shall be substituted, namely:—

“(h) ‘teachers of the University’ means persons appointed or recognised by the University for the purpose of imparting instruction in the University or in any College.”

4. Amendment of section 4, Act VIII of 1922.—In section 4 of the principal Act,—

(i) for clause (2), the following clause shall be substituted, namely:—

“(2) to hold examinations and to grant to, and confer degrees and other academic distinctions on, persons who—

(a) have pursued a course of study in the University or in any College, or

(b) are non-collegiate women students residing within the territorial jurisdiction of the University, or

(c) are teachers in educational institutions under conditions laid down in the Statutes and Ordinances and have passed the examinations of the University under like conditions,";

(ii) in clause (8), the words "in accordance with the Statutes and the Regulations" shall be omitted;

(iii) for clause (9), the following clause shall be substituted, namely:—

"(9) to maintain Colleges and Halls, to admit to its privileges Colleges not maintained by the University and to withdraw all or any of those privileges, and to recognise Halls not maintained by the University and to withdraw any such recognition,";

(iv) for clause (12), the following clauses shall be substituted, namely:—

"(12) to make special arrangements in respect of the residence, discipline and teaching of women students,

(12A) to create administrative and ministerial and other necessary posts and to make appointments thereto, and".

5. Amendment of section 5, Act VIII of 1922.—In section 5 of the principal Act,—

(i) in sub-section (1),—

(a) for the words "beyond a radius of 10 miles from the Convocation Hall of the University" and "that limit", the words "beyond the limits of the State of Delhi" and "those limits" shall, respectively, be substituted;

(b) the proviso shall be omitted;

(ii) in sub-section (2), for the words "afore-mentioned limit" and "that limit", the words "afore-mentioned limits" and "those limits" shall, respectively, be substituted.

6. Amendment of section 6, Act VIII of 1922.—In section 6 of the principal Act,—

(i) for the words "creed or class", the words "creed, caste or class" shall be substituted;

(ii) the words "where such test is specially prescribed by the Statutes, or" shall be omitted; and

(iii) in the proviso, for the words and brackets "not unwilling to receive it by persons (whether teachers of the University or not) approved for that purpose by the Executive Council", the words "who have consented to receive it" shall be substituted.

7. Amendment of section 7, Act VIII of 1922.—In section 7 of the principal Act, sub-section (5) shall be omitted.

8. Insertion of new sections 7A and 7B in Act VIII of 1922.—After section 7 of the principal Act, the following sections shall be inserted, namely:—

“7A. Visitor.—(1) The President of India shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipment and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the University.

(3) The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Visitor may address the Vice-Chancellor with reference to the result of such inspection and inquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the Visitor with such advice as the Visitor may offer upon the action to be taken thereon.

(5) The Executive Council shall communicate through the Vice-Chancellor to the Visitor such action, if any, as it is proposed to take or has been taken upon the result of such inspection or inquiry.

(6) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall be bound to comply with such directions.

(7) Without prejudice to the foregoing provisions of this section the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with this Act, the Statutes or the Ordinances:

Provided that before making any such order he shall call upon the University to show cause why such an order should not be made and, if any cause is shown within a reasonable time shall consider the same.

7B. Chief Rector and Rectors.—(1) The Chief Commissioner of the State of Delhi shall be the Chief Rector of the University.

(2) Such persons, as may be appointed in this behalf in accordance with the Statutes, shall be the Rectors of the University."

9. Amendment of section 8, Act VIII of 1922.—In section 8 of the principal Act,—

(i) for item (iv), the following item shall be substituted, namely:—

"(iv) the Pro-Vice-Chancellor, if any,".

10. Omission of sections 9 to 15, Act VIII of 1922.—Sections 9 to 15 (inclusive) of the principal Act shall be omitted.

11. Substitution of new section for section 16, Act VIII of 1922.—For section 16 of the principal Act, the following section shall be substituted, namely:—

"16. *Powers and duties of officers, etc.*—Subject to the provisions of this Act, the powers and duties of the officers of the University, the terms for which they shall hold office and the filling of casual vacancies in such offices shall be provided for by the Statutes."

12. Amendment of section 17, Act VIII of 1922.—In section 17 of the principal Act, after item (iii), the following item shall be inserted, namely:—

"(iiiia) the Finance Committee,".

13. Substitution of new section for section 18, Act VIII of 1922.—For section 18 of the principal Act, the following section shall be substituted, namely:—

"18. *The Court.*—The Court shall be the supreme authority of the University and shall have the power to review the acts of the Executive Council and the Academic Council (save when these authorities have acted in accordance with the powers conferred upon them under this Act, the Statutes or the Ordinances) and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes."

14. Omission of sections 19, 20, 22 and 24, Act VIII of 1922.—Sections 19, 20, 22 and 24 of the principal Act shall be omitted.

15. Substitution of new section for section 25, Act VIII of 1922.—For section 25 of the principal Act, the following section shall be substituted, namely:—

"25. *Powers and duties of authorities of the University.*—

Subject to the provisions of this Act, the constitution, powers and

duties of the authorities of the University shall be provided for by the Statutes."

16. Substitution of new section for section 28, Act VIII of 1922.—For section 28 of the principal Act, the following section shall be substituted, namely:—

"28. *Statutes.*—Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the constitution, powers and duties of the Court, the Executive Council, the Academic Council, the Finance Committee and such other bodies as may be deemed necessary to constitute from time to time;

(b) the election and continuance in office of the members of the said bodies, including the continuance in office of the first members, and the filling of vacancies of members, and all other matters relative to those bodies for which it may be necessary or desirable to provide;

(c) the appointment, powers and duties of the officers of the University;

(d) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the officers, teachers and other employees of the University;

(e) the conferment of honorary degrees;

(f) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

(g) the establishment and abolition of Faculties, Departments, Halls, Colleges and institutions;

(h) the conditions under which colleges and other institutions may be admitted to the privileges of the University and the withdrawal of such privileges;

(i) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes; and

(j) all other matters which by this Act are or may be provided for by the Statutes."

17. Amendment of section 29, Act VIII of 1922.—In section 29 of the principal Act, for sub-sections (2) to (7) (inclusive), the following sub-sections shall be substituted, namely:—

"(2) The Court may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided.

(3) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court, and such draft shall be considered by the Court at its next meeting.

(4) The Court may approve any such draft as is referred to in sub-section (3) and pass the Statutes or reject it or return it to the Executive Council for reconsideration, either in whole or in part, together with any amendments which the Court may suggest:

Provided that the Executive Council shall not propose the draft of any Statute or of any amendment of a Statute affecting the status, powers or constitution of any existing authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal, and any opinion so expressed shall be in writing and shall be considered by the Court.

(5) Any member of the Court may propose to the Court the draft of any Statute and the Court may either reject the proposal or refer such draft for consideration to the Executive Council, which may either reject the proposal or submit the draft to the Court in such form as the Executive Council may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of a draft proposed to the Court by the Executive Council.

(6) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Visitor who may sanction, disallow or remit it for further consideration."

18. Substitution of new sections for sections 30 and 31, Act VIII of 1922.—For sections 30 and 31 of the principal Act, the following sections shall be substituted, namely:—

"30. *Ordinances.*—Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for all degrees diplomas and certificates of the University;

(c) the degrees, diplomas, certificates and other academic distinctions to be awarded by the University, the qualifications for the same, and the means to be taken relating to the granting and obtaining of the same;

(d) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;

(e) the conditions of the award of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(f) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies, examiners and moderators;

(g) the maintenance of discipline among the students of the University;

(h) the conditions of residence of students at the University;

(i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students, and the prescribing for them of special courses of study;

(j) the giving of religious instruction;

(k) the emoluments and the terms and conditions of service of teachers of the University;

(l) the management of Colleges and other institutions founded or maintained by the University;

(m) the supervision and inspection of Colleges and other institutions admitted to privileges of the University; and

(n) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

31. *Ordinances how made.*—(1) The Ordinances of the University as in force immediately before the commencement of the Delhi University (Amendment) Act, 1952, may be amended, repealed or added to at any time by the Executive Council:

Provided that—

(i) no Ordinance shall be made affecting the conditions of residence or discipline of students, except after consultation with the Academic Council;

(ii) no Ordinance shall be made—

(a) affecting the admission or enrolment of students or prescribing examinations to be recognised as equivalent to the University examinations, or

(b) affecting the conditions, mode of appointment or duties of examiners or the conduct or standard of examinations or any course of study,

unless a draft of such Ordinance has been proposed by the Academic Council.

(2) The Executive Council shall not have power to amend any draft proposed by the Academic Council under the provisions of sub-section (1) but may reject the proposal or return the draft to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(3) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Central Government and the Central Government may, by order, direct that the proposed Ordinance shall be laid before the next meeting of the Court for its approval and that pending such approval it shall have effect from such date as may be specified in the order:

Provided that if the Ordinance is not approved by the Court at such meeting, it shall cease to have effect.

(4) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Visitor and the Court, and shall be considered by the Court at its next meeting and the Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members voting, to cancel any Ordinance made by the Executive Council, and such Ordinance shall from the date of such resolution cease to have effect.

(5) The Visitor may, by order, direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance, and any order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(6) The Visitor may, at any time after an Ordinance has been considered by the Court, signify to the Executive Council his disallowance of such Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance such Ordinance shall cease to have effect."

19. Amendment of section 32, Act VIII of 1922.—In section 32 of the principal Act,—

(i) in sub-section (1), the words “and the Boards” shall be omitted, and for the words “and Boards” in clause (c) the words “or Committees appointed by them” shall be substituted;

(ii) in the proviso to sub-section (3), for the words “Central Government” the word “Court” shall be substituted.

20. Amendment of section 33, Act VIII of 1922.—In section 33 of the principal Act, the words “the Statutes and” shall be omitted.

21. Amendment of section 35, Act VIII of 1922.—In sub-section (2) of section 35 of the principal Act, for the word “Statutes” the word “Ordinances” shall be substituted.

22. Omission of sections 36 and 37, Act VIII of 1922.—Sections 36 and 37 of the principal Act shall be omitted.

23. Substitution of new section for section 39, Act VIII of 1922.—For section 39 of the principal Act, the following section shall be substituted, namely:—

“39. *Audit of accounts.*—(1) The accounts of the University shall, once at least in every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India.

(2) The accounts, when audited, shall be published in the Gazette of India, and a copy of the accounts together with the audit report shall be submitted by the University to the Visitor.”

24. Omission of section 40, Act VIII of 1922.—Section 40 of the principal Act shall be omitted.

25. Substitution of new section for section 45, Act VIII of 1922.—For section 45 of the principal Act, the following section shall be substituted, namely:—

“45. *Conditions of service of officers and teachers.*—(1) Every salaried officer and teacher of the University shall be appointed under a written contract, which shall be lodged with the University and a copy thereof shall be furnished to the officer or teacher concerned.

(2) Any dispute arising out of a contract between the University and any of its officers or teachers shall, at the request of the officer or teacher concerned or at the instance of the University, be referred to a Tribunal of Arbitration consisting of

one member appointed by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Visitor, and the decision of the Tribunal shall be final."

26. Temporary provisions for amendment of Statutes.—The Central Government may, by notification in the Official Gazette, make such adaptations and modifications in the Statutes in force immediately before the commencement of this Act as in its opinion may be necessary or expedient to bring the provisions of the Statutes into accord with the provisions of the principal Act as amended by this Act:

Provided that nothing in this section shall be deemed to empower the Central Government to make any adaptation or modification of any such Statutes after the expiration of three months from the date on which this Act is brought into force by the Central Government under sub-section (2) of section 1.

27. Transitional provisions.—Any officer or authority of the University exercising any functions under the principal Act immediately before the commencement of this Act, shall continue to exercise such functions until the corresponding new officer or authority is appointed, elected or constituted in accordance with the provisions of the principal Act as amended by this Act or the Statutes as adapted or modified under this Act.

THE CAPITAL ISSUES (CONTINUANCE OF CONTROL) AMENDMENT ACT, 1952

No. VI of 1952

[23rd February, 1952]

An Act further to amend the Capital Issues (Continuance of Control) Act, 1947.

Be it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Capital Issues (Continuance of Control) Amendment Act, 1952.

2. Amendment of section 1, Act XXIX of 1947.—In sub-section (3) of section 1 of the Capital Issues (Continuance of Control) Act, 1947 (hereinafter referred to as the principal Act), for the figures "1952" the figures "1956" shall be substituted.

3. Amendment of section 12, Act XXIX of 1947.—In section 12 of the principal Act, after the words "this Act" the words "and in particular for the levy of fees on applications made to the Central Government for its consent" shall be inserted.

THE ABDUCTED PERSONS (RECOVERY AND RESTORATION) AMENDMENT ACT, 1952

No. VII of 1952

[28rd February, 1952]

An Act to amend the Abducted Persons (Recovery and Restoration) Act, 1949.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Abducted Persons (Recovery and Restoration) Amendment Act, 1952.

2. Amendment of section 1, Act LXV of 1949.—In section 1 of the Abducted Persons (Recovery and Restoration) Act, 1949, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) It extends to the States of Punjab, Uttar Pradesh, Patiala and East Punjab States Union, Rajasthan and Delhi, and shall remain in force up to the 31st day of October, 1952.”

3. Repeal of Ordinance VII of 1951.—The Abducted Persons (Recovery and Restoration) Amendment Ordinance, 1951 (VII of 1951) is hereby repealed.

THE FOREIGN EXCHANGE REGULATION] (AMENDMENT) ACT, 1952

No. VIII of 1952

[28rd February, 1952]

An Act further to amend the Foreign Exchange Regulation Act, 1947.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Foreign Exchange Regulation (Amendment) Act, 1952.

2. Amendment of section 1, Act VII of 1947.—In section 1 of the Foreign Exchange Regulation Act, 1947 (hereinafter referred to as the principal Act), for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) It shall remain in force up to the thirty-first day of December, 1957.”

3. Amendment of section 2, Act VII of 1947.—In section 2 of the principal Act, clause (o) shall be omitted.

4. Amendment of section 8, Act VII of 1947.—In section 8 of the principal Act, sub-section (3) shall be omitted.

5. Amendment of section 12, Act VII of 1947.—In sub-section (1) of section 12 of the principal Act, for the words “prohibit the export” the words “prohibit the taking or sending out by land, sea or air (hereafter in this section referred to as export)” shall be substituted.

6. Substitution of new section for section 18 in Act VII of 1947.—For section 18 of the principal Act, the following section shall be substituted, namely:—

“18. *Certain provisions as to companies.*—(1) Where there is served on any person resident in the States a notice in writing that

the Central Government or the Reserve Bank wishes any such requirements as are hereinafter mentioned to be complied with by any such company as is specified in *Explanation I* [hereafter in this sub-section and in sub-section (2) referred to as a foreign company] and that person can by doing or refraining from doing any act—

(a) cause the foreign company to comply with any of the requirements, or

(b) remove any obstacle to the foreign company complying with any of the requirements, or

(c) render it in any respect more probable that the foreign company will comply with any of the requirements,

then, except so far as permission to the contrary may be given by the Central Government or, as the case may be, by the Reserve Bank, that person shall do or, as the case may be, refrain from doing that act.

(2) The requirements with respect to which a notice under sub-section (1) may be given are as follows, that is to say, the foreign company shall—

(i) furnish to the Central Government or, as the case may be, to the Reserve Bank such particulars as to its assets and business as may be mentioned in the notice;

(ii) sell or procure the sale to an authorised dealer of any foreign exchange mentioned in the notice, being foreign exchange which it is entitled to sell or of which it is entitled to procure the sale;

(iii) declare and pay such dividend as may be mentioned in the notice;

(iv) realise any of its assets mentioned in the notice in such manner as may be so mentioned;

(v) refrain from selling or transferring or doing anything which affects its rights or powers in relation to any such instruments or securities as may be mentioned in the notice.

(3) Except with the general or special permission of the Reserve Bank, no person resident in the States shall do any act whereby a company which is controlled by persons resident in India ceases to be so controlled.

(4) Except with the general or special permission of the Reserve Bank, no person resident in the States shall lend any money either to any company (other than a banking company) which is controlled directly or indirectly by persons resident outside India elsewhere than in the territories notified in this behalf by the Reserve Bank or to any such person.

Explanation I—The companies referred to in sub-section (1) are companies not incorporated under any law in force in the States in the case of which any of the following conditions is fulfilled:—

(a) that the company is by any means controlled (directly or indirectly) by persons resident in the States; or

(b) that more than one-half of the sums which, on a liquidation thereof, would be receivable by holders of share or loan capital, would be receivable directly or indirectly by, or for the benefit of, persons resident in the States; or

(c) that more than one-half of the assets which, on a liquidation thereof, would be available for distribution after the payment of creditors, would be receivable directly or indirectly by, or for the benefit of, persons resident in the States; or

(d) that more than one-half—

(i) of the interest payable on its loans and loan capital, if any, or

(ii) of the dividends payable on its preference share capital, if any, or

(iii) of the dividends payable on its share capital, if any, not being preference share capital,

is receivable directly or indirectly by, or for the benefit of, persons resident in the States.

Explanation II.—Where the identity of the persons by whom, or for whose benefit, any sum, assets, interest or dividends are directly or indirectly receivable depends on the exercise by any person resident in the States of a power vested in him in that behalf, the sum, assets, interest or dividends shall, for the purposes of this sub-section, be deemed to be receivable directly or indirectly by, or for the benefit of, persons resident in the States."

7. Amendment of section 19, Act VII of 1947.—For sub-sections (2) and (3) of section 19 of the principal Act, the following sub-sections shall be substituted, namely:—

(2) Where for the purposes of this Act the Central Government or the Reserve Bank considers it necessary or expedient to obtain and examine any information, book or other document in the possession of any person or which in the opinion of the Central Government or the Reserve Bank it is possible for such person to obtain and furnish, the Central Government or, as the case may be, the Reserve Bank may, by order in writing, require any such person (whose name shall be specified in the order) to furnish, or to obtain and furnish, to the Central Government or the Reserve Bank or any person specified in the order with such information, book or other document.

(3) If on a representation in writing, made by a person authorised in this behalf by the Central Government or the Reserve Bank, a District Magistrate, Sub-Divisional Magistrate, Presidency Magistrate or Magistrate of the first class, has reason to believe that a contravention of any of the provisions of this Act has been, or is being or is about to be committed in any place,

or that a person to whom an order under sub-section (2) of this section has been or might be addressed, will not or would not produce the information, book or other document,

or where such information, book or other document is not known to the Magistrate to be in the possession of any person,

or where the Magistrate considers that the purposes of any investigation or proceeding under this Act will be served by a general search or inspection,

he may issue a search warrant and the person to whom such warrant is directed may search or inspect in accordance therewith and seize any book or other document, and the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) relating to searches under that Code shall, so far as the same are applicable, apply to searches under this sub-section:

Provided that such warrant shall not be issued to any police officer below the rank of sub-inspector.

Explanation.—In this sub-section, “place” includes a house, building, tent, vehicle, vessel or aircraft.’

8. Amendment of section 23, Act VII of 1947.—In sub-section (3) of section 23 of the principal Act, after the words “or the Reserve Bank” the words “by a general or special order” shall be inserted.

9. Insertion of new sections 23A and 23B in Act VII of 1947.—After section 23 of the principal Act, the following sections shall be inserted, namely:—

“23A. *Application of Sea Customs Act, 1878.*—Without prejudice to the provisions of section 23 or to any other provision contained in this Act, the restrictions imposed by sub-sections (1) and (2) of section 8, sub-section (1) of section 12 and clause (a) of sub-section (1) of section 18 shall be deemed to have been imposed under section 19 of the Sea Customs Act, 1878 (VIII of 1878), and all the provisions of that Act shall have effect accordingly, except that section 188 thereof shall have effect as if for the word ‘shall’ therein the word ‘may’ were substituted.

23B. *Attempts.*—Whoever attempts to contravene any of the provisions of this Act or of any rule, direction or order made thereunder shall be deemed to have contravened that provision, rule, direction or order, as the case may be.”

10. Amendment of section 24, Act VII of 1947.—Section 24 of the principal Act shall be re-numbered as sub-section (1) thereof, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Where any person is prosecuted for contravening the provisions of sub-section (3) of section 4, the burden of proving that the foreign exchange acquired by such person has been used for the purpose for which permission to acquire it was granted shall be on him.”

11. Insertion of new section 24A in Act VII of 1947.—After section 24 of the principal Act, the following section shall be inserted, namely:—

“24A. *Presumption as to documents in certain cases.*—Where any document is furnished by any person under sub-section (2) of section 19, or has been seized under sub-section (3) of that section from the custody or control of any person, and such document is tendered by the prosecution in evidence against him, the court shall, unless the contrary is proved by any such person, presume—

(a) the truth of the contents of such document;

(b) that the signature and every other part of such document which purports to be in the handwriting of any particular person or which the court may reasonably assume to have been signed by, or to be in the handwriting of, any particular person, is in that person’s handwriting, and in the case of a document stamped, executed or attested, that it was duly stamped and executed or attested by the person by whom it purports to have been so executed or attested.”

12. Repeal of Ordinance X of 1951.—(1) The Foreign Exchange Regulation (Amendment) Ordinance, 1951 (X of 1951) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

THE INDIAN INDEPENDENCE PAKISTAN COURTS (PENDING PROCEEDINGS) ACT, 1952

No. IX OF 1952

[23rd February, 1952]

An Act to render ineffective certain decrees and orders passed by courts in Pakistan against a Government in India and to provide an alternative remedy to persons who have secured such decrees or orders.

BE it enacted by Parliament as follows:—

1. Short title.—This Act may be called the Indian Independence Pakistan Courts (Pending Proceedings) Act, 1952.

2. Definition.—In this Act, the expression “decree to which this Act applies” means any such judgment, decree or order as is referred to in—

(i) clause (3) of article 4 of the Indian Independence (Legal Proceedings) Order, 1947, or

(ii) paragraph (5) or paragraph (6) of article 13 of the High Courts (Bengal) Order, 1947, or

(iii) paragraph (4) or paragraph (6) of the High Courts (Punjab) Order, 1947,

which has been or may hereafter be passed by a court in Pakistan and which imposes any liability or obligation on a Government in India.

3. Certain Pakistan decrees not to be given effect to in India.—Notwithstanding anything contained in any of the Orders referred to in section 2, no decree to which this Act applies shall be given effect to by any court or authority in India in so far as such decree imposes any liability or obligation on any Government in India.

4. Right of holder of a decree to which this Act applies to institute fresh proceedings in India.—Notwithstanding anything contained in section 3 of the Indian Limitation Act, 1908 (IX of 1908), any person in whose favour a decree to which this Act applies has been passed may, within one year from the commencement of this Act, or within one year from the date of the decree, whichever is later, institute a fresh suit or other legal proceeding in respect of the cause of action on which such decree was based, and any such suit or other legal proceeding may, notwithstanding anything contained in section 20 of the Code of Civil Procedure, 1908 (Act V of 1908), or in any other law or in any agreement to the contrary relating to the place of

suing, be instituted in any court otherwise competent to try it, within the local limits of whose jurisdiction the person instituting it voluntarily resides or carries on business or personally works for gain.

5. Repeal of Ordinance VI of 1951.—(1) The Indian Independence Pakistan Courts (Pending Proceedings) Ordinance, 1951 (VI of 1951), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

K. V. K. SUNDARAM,
Secretary.

